

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

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1 LUIS M. SANTINI-ROSADO,

2 Plaintiff,

3 v.

4 BANCO BILBAO VIZCAYA,

5 Defendant.  
6 -----  
7

CIVIL NO. 98-1687 (RLA)

CLERK'S OFFICE  
U.S. DISTRICT COURT  
SAN JUAN PR

8 **ORDER DENYING SECOND REQUEST FOR CONTINUANCE**  
9 **OF DISCOVERY PROCEEDINGS**  
10 **AND RESCHEDULING PRETRIAL CONFERENCE**

11 The parties have filed a second request for additional time to  
12 conclude discovery and for continuance of the imminent  
13 Pretrial/Settlement Conference and Trial. For the reasons stated  
14 herein we find no justification for the inordinate delay in  
15 concluding discovery in these proceedings.

16 This action was filed on June 15, 1998. One year later, in June  
17 of 1999, the parties filed a motion requesting an extension of the  
18 discovery deadlines and continuance of the the Pretrial/Settlement  
19 Conference scheduled for August 11, 1999, and the Jury Trial  
20 scheduled for September 7, 1999, because "although both parties  
21 ...h[ad] been actively working on discovery, none of the parties have  
22 been able to complete discovery". See docket No. 18, filed on June  
23 21, 1999. At that time the discovery deadlines were extended by the  
24  
25  
26

(27) no

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1 Court and the Pretrial/Settlement Conference and Jury Trial were  
2 postponed.

3  
4 Adopting the parties' **own** proposed revised discovery schedule,  
5 the Court then established the following deadlines for submission of  
6 experts' reports and their depositions:

7 **8/3/99** Deadline for submission of plaintiff's expert witness  
8 report(s)

9  
10 **8/19/99** Deadline for defendant to identify expert witness(es)

11 **8/30/99** Deadline for deposition of plaintiff's expert(s)

12  
13 **9/03/99** Deadline for submission of defendant's expert witness  
14 report(s)

15 **9/28/99** Deadline for depositions of defendant's expert(s)

16 The Court also rescheduled the JURY TRIAL for **February 16, 2000,**  
17 **at 9:30 a.m.,** and the PRETRIAL/SETTLEMENT CONFERENCE for **February 2,**  
18 **2000, at 3:30 p.m.**

19  
20 It is evident from a review of the motion as well as the record  
21 in this case that neither side in this controversy has abided by the  
22 Court-imposed deadlines. As manifested by the parties' assertion in  
23 this second Motion Requesting Extension of Discovery Deadlines, the  
24 "plaintiff submitted a **preliminary draft** of the economist report on  
25  
26

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1 Friday January 21, 2000. **Still pending is the final report and his**  
2 **deposition**"<sup>1</sup> (emphasis ours).  
3

4 Thus, six-and-a-half months later the Court is informed that  
5 plaintiff's experts' reports which were due on August 3, 1999, are  
6 only beginning to be submitted now, barely THREE WEEKS before the  
7 rescheduled trial date, with the stale excuse that "although both  
8 parties in the present case have been actively working on discovery,  
9 none of the parties have been able to complete discovery..."  
10

11 Since counsel have no one to blame except their own lack of  
12 diligence for their failure to conclude discovery as ordered, we find  
13 no reason to disregard the case management provisions of this case.  
14 Therefore, the Joint Motion Requesting Extension of Time filed by the  
15 parties on January 26, 2000, is hereby **DENIED**.  
16

17 It appearing that the parties are not ready for the PRETRIAL  
18 CONFERENCE set for February 2, 2000 the same is hereby **rescheduled**  
19 **for February 8, 2000 at 3:00 p.m.** The parties shall contact the  
20 chambers of the undersigned to verify where the Conference will be  
21 held.  
22  
23

24 \_\_\_\_\_  
25 <sup>1</sup> Apparently still pending as well is the psychiatric expert's  
26 evaluation of plaintiff, the drafting of her expert report and this  
expert's deposition.

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The parties shall file the Joint Proposed Pretrial Order in accordance with our Order of July 6, 1999 (docket No. 19), **on or before February 2, 2000.**

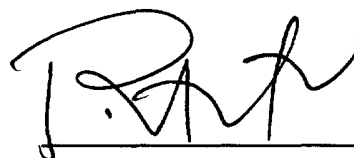
Trial Briefs are due **no later than February 11, 2000**, in accordance with the undersigned's STANDING ORDER FOR CIVIL TRIALS issued on February 10, 1994. The parties shall make the necessary arrangements with the courtroom deputy clerk to have the evidence marked prior to trial. JURY TRIAL remains scheduled for **February 16, 2000, at 9:30 a.m.**

Counsel are admonished that the failure to comply with any of the deadlines other terms established in this Order shall result in the imposition of sanctions upon them personally and/or dismissal of the complaint, entry of default and/or striking of witnesses. Fre.r.Civ.P.16(f). See, also, Rosario-Diaz v. Gonzalez, 140 F.3d 312, 315 (1<sup>st</sup> Cir. 1998).

This Order shall be notified by **FAX** and mail.

IT IS SO ORDERED.

San Juan, Puerto Rico, this <sup>27</sup> day of January, 2000.



RAYMOND L. ACOSTA  
United States District Judge

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SUMMARY OF DEADLINES

2/2/2000 Deadline for filing of Joint Pretrial Order

2/8/2000 PRETRIAL/SETTLEMENT CONFERENCE at 3:00 p.m.

2/11/2000 Deadline for filing of Trial Briefs

\*\*\*\*\* Parties to meet with courtroom deputy to mark exhibits

2/16/2000 JURY TRIAL at 9:30 a.m.